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In re Application of	:	
Jiping WANG, ET AL.	:	
Application No.: 09/331,818	:	DECISION ON
PCT No.: PCT/US97/23771	:	PETITION
Int. Filing Date: 23 December 1997	:	UNDER 37 CFR 1.137(b)
Priority Date: 26 December 1996	:	
Attorney Docket No.: 6439	:	
For: LAUNDRY DETERGENT	:	
COMPOSITIONS WITH CELLULOSIC	:	
POLYMERS TO PROVIDE APPEARANCE	:	
AND INTEGRITY BENEFITS TO FABRICS	:	
LAUNDERED THEREWITH	:	

This is a decision on the "PETITION TO REVIVE UNDER 37 CFR §1.137(b)" filed 11 August 2000 in the above-captioned application.

#### BACKGROUND

The present application became abandoned as of midnight on 26 August 1999 for failure to timely respond to the Office Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) issued 26 July 1999.

On 11 August 2000, applicants filed the present petition to revive the application under 37 CFR 1.137(b). A response in the form of a declaration of the inventors was also submitted.

#### DISCUSSION

The MPEP at section 711.03(c) indicates that a petition under 37 CFR 1.137(b)

requires:

- (A) the required reply, unless previously filed;
- (B) the petition fee as set forth in 37 CFR 1.17(m);
- (C) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
- (D) any terminal disclaimer required pursuant to 37 CFR 1.137(c).

Items (B), (C) and (D) have been satisfied. The appropriate petition fee as required by 37 CFR 1.17(m) has been submitted. Applicants' statement that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirement of 37 CFR 1.137(b)(3) at the time of filing this petition. The terminal disclaimer as required under 37 CFR 1.137(c) is not needed since the application was filed after 08 June 1995.

With regards to item (A), the declaration of the inventors filed with the petition is defective because it contains the signature of a fifth co-inventor not listed in the international publication, namely Jennifer Ann Leupin. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(2) and the petition to revive cannot be accepted at this time because all of the requirements of 37 CFR 1.137(b) for revival have not been satisfied.

Applicants are hereby notified that since the declaration of the inventors was submitted after 30 months from the priority date of 26 December 1996 a \$130.00 surcharge is needed.

### DECISION

In view of the discussion mentioned above, the Petition to Revive the present application pursuant to 37 CFR 1.137(b) is **DISMISSED** without prejudice. International application PCT/US97/23771 remains abandoned as to the national stage in the United States.

Applicants are hereby given **TWO (02) MONTHS** from the mail date of this communication to provide an oath or declaration in compliance with 37 CFR 1.497 along with a \$130.00 surcharge since the declaration was obviously submitted after 30 months from the priority date claimed of 26 December 1996.

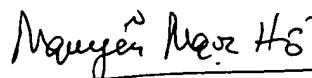
EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Please address further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and direct the contents of the letter to the attention of the PCT Legal Office.



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